



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,638	07/08/1999	DANIEL J. SHOFF	MS1-089USC1	6866

22801 7590 09/28/2004

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/349,638

Applicant(s)

SHOFF ET AL.

Examiner

Son P Huynh

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 56-57, 61-67.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


CHRIS GRANT
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: In response to Applicant's argument that Freeman and Steel, alone or in combination, do not disclose, teach or suggest an "Interactive browser being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive", the Examiner respectfully disagrees.

Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, if trigger point is detected in the program, information associated with the detected trigger point will be displayed (col. 15, line 45 -col. 15); the subscriber gain access to the interactive programming on the server via online menu (col. 7, line 11-12). Freeman further discloses Interactive programs can be created using the Internet. Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interactions. The author can then use these elements in the authoring tools to create an interactive program. Furthermore, viewer can watch interactive programs from the Internet itself using this system. From Internet site, viewers can access a single channel interactive program. The viewer would watch the video program on viewer's computer, while the audio and/or text/graphics from Web site locations, for example, would be presented as a function of viewer's specific choices via interactive commands (col. 19, lines 34-52). Thus, by receiving data from Internet, the system must have an application to access Internet such as a Web browser (not show). To support the Internet browser for accessing Internet, Steele reference is provided (see Steele reference, col. 5, lines 10-14) as previously discussed in the Office Action (paper No. 13). Thus, Freeman in view of Steele teaches Interactive browser being dynamically loadable (in response to interactive command/trigger points) for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive (when the tuner is tuned to a channel carrying a video content program with trigger points).

In response to Applicant's argument that the referenced section of Steele makes no mention as to how the web browser is loaded, the examiner respectfully clarifies that Steele discloses a web browser. Freeman teaches how the web application program is loaded (in response to interactive command or trigger points - col. 19, lines 43-47).

In response to Applicant's argument that neither Freeman nor Steele, alone or in combination, disclose, teach, or suggest "determining if program is interactive compatible by checking a channel separate from the channel carrying the video content program, the Examiner respectfully disagrees.

Freeman discloses interactive commands, data codes, may either be embedded into data portions of full motion video segments (for example, within the vertical blanking interval), or may reside separately on a storage medium (col. 6, lines 11-23); the interactive element may be broadcast synchronously (alternative responses aligned in time, serially, on separate channels, embedded in the existing video and/or transmitted before or during the program (col. 14, lines 32-50). Thus, the "channel separate from the channel carrying the video content program" as claimed can be interpreted as vertical blanking interval of video content channel or the medium connected to the local storage.


Applicant argues that Steele does not disclose displaying an icon to visually inform the viewer that the program is interactive compatible. Indeed, the only mention of the word "icon" in Steele is in relation to a hyperlink to World Wide Web. Freeman does not mention the word "icon", and therefore does not cure the defects of Steele. The Examiner respectfully disagrees.

Steele discloses the icons are displayed on the screen (figure 7); user accesses the server by selecting a highlighted word, picture or icon (a program object representation) for more information (col. 2, lines 30-36). Thus, the "icon" is displayed to inform the viewer that the program is interactive compatible (the icon indicates data associated with the icon can be accessed by selecting the icon). Furthermore, Freeman discloses the interrogatory messages can be presented as graphics displays overlaid by the interactive computer workstation onto a video signal; associated data are provided to user according to user selections to answers to the interrogatory messages (col. 13, lines 44-61). Thus, the graphical message is located in a selected area and the combination of graphical message and selectable area is interpreted as "icon".

Applicant further argues neither Freeman, Steele, nor Youman, alone or in combination, disclose, teach or suggest "the EPG associating a target specification to a target source with a video content program." The Examiner respectfully disagrees.

Youman discloses a program guide comprises plurality of selectable icon. When user selects an icon on the program guide, video program or data associated with the selected icon is accessed and displayed to user (figures 5, 11, 19 and col. 10, lines 44-67). Thus, target specification is met by channel information in the program guide; target source with a video content program is met by the video source of the particular video program (e.g., "No Mercy" is provided by TBS on channel 25 - figure 19); Youman further discloses an icon "i" is displayed on the screen to indicate that user can selected the icon for more information associated with the program (figure 19 and col. 10, lines 44-67). By displaying the icon "i" on the screen, the program listing must be checked to ascertain whether the program is interactive compatible.

For reasons given above, the rejections to claims 56-57, 61-67 are maintained as discussed below.


9/24/04